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June 7, 2021

Via ECMF:

Honorable Michael A. Shipp, U.S.D.J.
United States District Court - District of New Jersey
Court Room 5W
Clarkson Fisher United States Court House
402 East State Street
Trenton, New Jersey 08625
Attn: Gina Hernandez, Courtroom Deputy

Via ECMF:

Thomas J. Cafferty, Esq.
GIBBONS P.C.
One Gateway Center
Newark, New Jersey 07102

RE: *New Jersey Second Amendment Society et al v. New Jersey Press Association, et al.*
Civil Action No. 3:20-cv-0228-MAS-ZNQ

Dear Judge Shipp and Mr. Cafferty:

As you gentlemen are aware I represent the interests of the plaintiffs' in the above-captioned matter. The original complaint named Governor Michael Murphy as the first named defendant. However, Governor Murphy and most of the other defendants have already settled and resolve their differences amicably with the plaintiffs. The plaintiffs filed a First Amended Complaint against the only non-settling remaining defendants, were also named as defendants in the initial pleading, which are the New Jersey Press Association and Peggy Stephan Arbitell. Both remaining defendants are represented by attorney Thomas J. Cafferty, Esq.

Apparently on or around March 16, 2021 Mr. Cafferty filed a *Rule* 12(b)(6) motion on behalf of the defendants as their responsive pleading to the First Amended

Complaint which motion hearing was originally made returnable April 19, 2021. For reasons that are not clear I did not see this motion until this morning when I was going through the status of all files. My office (I am a solo practitioner) has been greatly hampered by dealing with the realities of the COVID-19 pandemic and its effects on myself and my staff. Moreover, my secretary who was out for a surgical procedure related to a prior medical condition returned and broke her arm and is out of the office for a sustained period of time.

As soon as I saw that there was this motion pending my office contacted Judge Shipp's Chambers and spoke with his Courtroom Deputy Gina Hernandez regarding the motion and what I would have to do to be able to respond to this motion out of time. My office was advised to start informally with this letter requesting that the motion be adjourned to July 6, 2021 which would make my opposition papers due on or before June 22, 2021. By copy of this letter I am asking for Mr. Cafferty's consent to the adjournment and new dates and asking that he provide his response to this request directly to the court in writing, copying me with same. My office was advised that this should be sufficient, but that I may have to file a formal motion for permission to file opposition out of time.

Please advise me at your earliest of the Court's decision on this scheduling issue.

Thank you very much.

Respectfully submitted,

s/Albert Rescinio

ALBERT J. RESCINIO, ESQ.

AJR:ms